



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Office of Legislative and**  
**Intergovernmental Affairs**  
Washington, D.C. 20230

March 19, 2019

The Honorable Elijah E. Cummings  
Chairman  
Committee on Oversight and Reform  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Representative Cummings,

Thank you for your staff director's March 15, 2019 email. Please find enclosed approximately 1,032 pages of documents responsive to Document Request 3 in your January 8, 2019 letter. As part of the Department's ongoing commitment to cooperation and accommodation with the Committee, we have expedited this production, ahead of our next-scheduled production date of March 28, 2019, which the Department still intends to meet.

This is the Department's fourth document production, bringing the total count to approximately 9,700 pages. So far, the Department has devoted more than 1,000 hours of staff time responding to your January 8 letter – not to mention the six-plus hours the Secretary spent voluntarily answering the Committee's questions on March 14, 2019. We are continuing to honor our commitment to accommodate the Committee's requests. In the spirit of cooperation, therefore, we would appreciate if the Committee's communications reflected that it is engaging in a mutual accommodation process with a coequal branch of government.

Certain documents in this production contain redactions, and we have provided a log so that you can see the basis for those redactions. Many redactions simply cover personally identifying information or information irrelevant and unresponsive to your requests for production. Some redactions protect attorney-client communications and attorney work product. Other redactions maintain the confidentiality of deliberative and pre-decisional communications among Executive Branch officials.

Moreover, the limited time between the end of the hearing on March 14, 2019 and this date is wholly inadequate to consider the removal of redactions contained in the previously produced 8,700 pages of documents. While the Department always has met and will continue to meet its Constitutional obligation to optimally accommodate the Committee, we cannot assess whether to divulge sensitive information on unreasonably burdensome time frames. Please remember that the Department is currently fielding at least three of your oversight requests and several from other Committees. We are devoting the maximum resources possible to responding to the Committee's requests, but those resources are not infinite. The constitutional accommodation obligation cuts both ways, and the Department hopes in future that the Committee will fully consider all of the circumstances surrounding the Department's continued cooperation with numerous and extensive Congressional requests.

Upon our review of the fourteen documents identified by your staff director in his March 15, 2019 email, the Department produced Documents 2, 3, 4, 5, 6, 7, 8, 9, and 11 in its second installment on February 19, 2019. As acknowledged in your staff director's description of Document 1, the Department does not possess those materials. The attachment to Document 6 is in its entirety a confidential attorney-client communication. Nevertheless, as an additional accommodation to the Committee, I have asked Departmental staff to include Document 10 in today's production.

As to your staff director's references to the Secretary's citations to "vague concerns about confidentiality," the Secretary voluntarily answered the Committee's questions for over six hours on March 14, 2019. In response to certain questions, he invoked the long-standing, bipartisan practice of protecting the confidentiality of Executive Branch deliberations. He stands by the answers and responses provided in the hearing.

On a different note, the Department on March 15, 2019 produced an installment of documents responsive to your February 8, 2019 letter. As for your staff director's question in the March 15, 2019 email regarding "when the Department will produce the information and documents that were requested by the Committee[.]" I will reaffirm the date for an updated response which the Department provided in its March 15, 2019 production letter – April 11, 2019. The Department is responding to your February 8, 2019 letter in good faith and to the fullest extent possible given the numerous requests from your Committee and others and the Department's diligent commitment to cooperation and accommodation.

As to your February 19, 2019 letter regarding nuclear technology transfer to Saudi Arabia, we are continuing to assess that request and will respond as soon as our resources permit.

We appreciate the opportunity to assist with your inquiry. If you have any additional questions, please contact me at (202) 482-3663.

Sincerely,



Ross Branson  
Deputy Assistant Secretary for  
Legislative and Intergovernmental Affairs

Cc: The Honorable Jim Jordan, Ranking Member

**Enclosures:**

1. Installment Number 4 of documents responsive to January 8, 2019 Letter from Chairman Elijah Cummings to Secretary Ross and Redaction Log